



**Planning Division
Meeting Minutes of the
Zoning Board of Appeals
(Draft Subject to Board
Approval)**

**REGULAR MEETING OF THE ZONING BOARD OF APPEALS
TUESDAY, OCTOBER 6, 2009**

Commissioners Present

Kenneth B. Lerman
Stephen Dauphine
David Bobowski
Mike McGarry
Robert Luckritz

Staff Present

Stephanie Krueel
Tammy McBride
Roger O'Brien
Jonathan Mullen

Commissioners Absent

Meghan Freed

Chairperson Dauphine called the meeting to order.

I. Public Hearing

- a. 22-30 Fishfry Street** – Appeal by City Auto Parts of a Cease and Desist order to stop processing and sale of scrap metal in an I-2 zone without permits. Attorney Matthew Hoberman presented the case stating that City Auto Parts, Inc. is a legal nonconforming grandfathered use and are not operating a scrap metal processing yard. It is a motor vehicle junkyard that has been in operation since 1936. He also stated that an automobile recycler is permitted to take in autos as well as sell scrap metal. Several exhibits were presented; a. Variance application granting use in 1936 for motor vehicle junkyard, b. Copy of zoning regulations citing definition of motor vehicle wrecking yard allowing them to accept copper, appliances and other scrap materials, c. Most current license from DMV dated April 22, 2009, d. Application for approval for junk yard, e. Letter to James Throwe, f. Certificate of approval of 1967 from Department of Motor Vehicles, g. Inspection from Licenses & Inspections from Inspector Mayo, h. Affidavit, i. Definition of scrap metal processing/definition of motor vehicle recycler. David Waddington, owner City Auto Parts, spoke giving an overview of how the business is run. Attorney Alan Koerner presented a slide/video showing what materials are being processed at the site which is "other miscellaneous scrap metal". Other members of the

public spoke for as well as against this application. Roger J. O'Brien, Director of Planning, spoke on behalf of the City stating when the business changed ownership with respect to stockholders, an application for approval of location should have been applied for along with permits for the scale or the

- b. 565-571 Windsor Street** – Variance from setback requirements to allow a vestibule in front of the building line in an I-2 zone. Stephanie Krueel read in summary report with explanation of vestibule. Lamont Aheart, CRT, answered questions regarding application.

The Public Hearing was closed.

The Board deliberated on a motion to uphold the Cease and Desist for 22-30 Fishery Street made by Commissioner McGarry and seconded by Commissioner Lerman. Commissioners Bobowski, Luckritz and Dauphine also voted to uphold the Cease and Desist order.

The Board deliberated on a motion to grant a variance for 565-571 Windsor Street made by Commissioner Bobowski and seconded by Commissioner Luckritz. Commissioners Dauphine, Lerman and McGarry all voted in favor of the variance.

II. Regular Meeting

a. Consideration Public Hearing Items

III. New/Old Business

Adjournment

The meeting was adjourned.

Respectfully submitted,

Tammy McBride

